

Message Text

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PAGE 01 BUENOS 05850 01 OF 02 311748Z

ACTION OES-09

INFO OCT-01 ISO-00 INR-10 EUR-12 SS-15 OIC-02 CIAE-00
EB-08 EA-10 ICA-11 DODE-00 IO-13 NSC-05 NSF-01
ARA-10 NSAE-00 COME-00 L-03 DLOS-09 SOE-02 DOE-15
TRSE-00 PM-05 EPA-01 INT-05 PA-01 CEQ-01 DOTE-00
OMB-01 ACDA-12 SP-02 AF-10 NEA-10 AGRE-00 /184 W
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P R 291535Z JUL 78

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 6733

INFO AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

AMEMBASSY PARIS

AMEMBASSY PRETORIA

AMCONSUL CAPE TOWN

AMEMBASSY SANTIAGO

AMEMBASSY TOKYO

AMEMBASSY WARSAW

AMEMBASSY WELLINGTON

C O N F I D E N T I A L SECTION 1 OF 2 BUENOS AIRES 5850

C O R R E C T E D C O P Y (TEXT PARA 2.)

PASS AMCONSUL CAPE TOWN

DEPT PASS MARINE MAMMAL COMMISSION

FROM USDEL ANTARCTIC

E.O. 11652: GDS

TAGS: XV, EFIS, TGEN, AR

SUBJECT: SECOND SPECIAL CONSULTATIVE MEETING ON ANTARCTIC LIVING

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PAGE 02 BUENOS 05850 01 OF 02 311748Z

MARINE RESOURCES - BUENOS AIRES SESSION

REF: BUENOS AIRES 5559 (NOTAL), (B) BUENOS AIRES 5657 (NOTAL),
(C) BUENOS AIRES 5568 (NOTAL), (D) BUENOS AIRES 5803 (NOTAL)

1. BEGIN SUMMARY: LAST TWO DAYS OF BUENOS AIRES SESSION
OF THE SPECIAL CONSULTATIVE MEETING ON ANTARCTIC MARINE

RESOURCES WERE TAKEN UP WITH DESULTORY DISCUSSION OF SUBSTANTIVE ISSUES. MOST IMPORTANT EFFORTS WERE DEVOTED TO IDENTIFYING AND MAINTAINING THE PROGRESS ACHIEVED ON CONSERVATION ARTICLES AND ESTABLISHING PROCEDURAL STEPS FOR THE NEXT MEETING. REPORT OF LEGAL WORKING GROUP ON JURIDICAL ARTICLES HAD EFFECT OF HALTING SESSION'S ABILITY TO REACH FURTHER AGREEMENT ON SUBSTANTIVE ISSUES. CORRIDOR CONVERSATIONS AND MEETING OF HEADS OF DELEGATION DID REACH AGREEMENT ON HOW TO PROCEED. THIS UNDERSTANDING INCLUDES INFORMAL WORKING GROUP CONSULTATIONS IN WASHINGTON IN SEPTEMBER WITH FURTHER FORMAL MEETINGS TO BE ARRANGED THROUGH DIPLOMATIC CHANNELS. FINAL INTERIM REPORT OF THE BUENOS AIRES SESSION OF THE SECOND SPECIAL CONSULTATIVE MEETING WAS ADOPTED AFTER A GREAT DEAL OF DEBATE RELATING TO THE DEGREE OF PROGRESS MADE AND THE QUESTION OF FURTHER MEETINGS. FUTURE PROSPECTS OF CONCLUDING THE CONVENTION DEPEND UPON RESOLVING THE MAIN REMAINING PROBLEMS DURING CONSULTATIONS IN WASHINGTON. END SUMMARY.

2. HEADS OF DELEGATION MET ON JULY 27 AND RESUMED DISCUSSION OF LATEST REVISION OF FINANCIAL FORMULA (ARTICLE 17), OBSERVATION AND INSPECTION SYSTEM (ARTICLE 23), AND PROVISION ON SUPPLY OF INFORMATION (ARTICLE 18). AFTER RATHER UNSTRUCTURED DISCUSSION
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PAGE 03 BUENOS 05850 01 OF 02 311748Z

OF THESE PROVISIONS, CHAIRMAN ASKED FOR A REPORT OF THE LEGAL WORKING GROUP WHICH HAD BEEN CONSIDERING JURIDICAL ARTICLES. PETER OELOFSEN, SOUTH AFRICA, WHO HAD INFORMALLY LED THE GROUP, PRESENTED A BALANCED AND COMPLETE REPORT OF THE JURIDICAL DIFFERENCES WHICH HAD KEPT GROUP FROM SUCCEEDING. HE ALSO INFORMALLY AND PERSONALLY HANDED OUT LAST TEXT THAT THE GROUP HAD CONSIDERED BUT HAD NOT REACHED AGREEMENT ON. IN GENERAL, LACK OF AGREEMENT STEMMED FROM DIFFERENCE IN INTERPRETATION OF LAST SENTENCE OF PARA. 2 OF ART. 4 OF ANTARCTIC TREATY AS THAT PROVISION WOULD BE APPLIED TO MARITIME JURISDICTION, AS WELL AS RELUCTANCE OF MORE EXTREME MEMBERS OF OPPOSING CAMPS TO FORMALLY RECOGNIZE THAT THERE IS A DIFFERENCE IN INTERPRETATION OF THAT PROVISION. OELOFSEN'S REPORT, ALTHOUGH ANTICIPATED BY THE HEADS OF DELEGATION, BROUGHT MEETING TO A HALT AND MEETING ADJOURNED UNTIL LATE AFTERNOON IN ORDER TO ALLOW DELEGATIONS TO CONSIDER WHAT TO DO NEXT.

3. HEADS OF DELEGATION RESUMED IN LATE AFTERNOON JULY 28 AND CONSIDERED HOW TO PROCEED. AFTER STRONG

INTERVENTIONS BY CHILE, WHICH WISHED TO PURSUE
SUBSTANTIVE DISCUSSIONS, AND THE UK, WHICH ADVOCATED A
DISCUSSION ON HOW TO WRAP THE SESSION UP WITHOUT
LOSING WHAT PROGRESS HAD BEEN ACHIEVED, HEADS OF
DELEGATION FOR FIRST TIME DURING THIS SESSION ADJOURNED
INTO TRUE HEADS OF DELEGATION MEETING WITH NO ADVISERS.
THAT MEETING QUICKLY AGREED THAT THE BUENOS AIRES
SESSION WOULD NOT RESULT IN AGREEMENT ON FUNDAMENTAL
ARTICLES RELATING TO SOVEREIGNTY AND DECISION-MAKING.
SOME DELEGATIONS, PARTICULARLY CHILE AND THE UK,
ADVOCATED ANOTHER SPECIAL CONSULTATIVE
MEETING PRIOR TO A DECISIVE MEETING. MOST DELEGATIONS
AGREED WITH US MEMBER THAT FURTHER WORK WAS NECESSARY
BEFORE A DECISIVE MEETING AND THAT ANOTHER LONG
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PAGE 04 BUENOS 05850 01 OF 02 311748Z

SPECIAL CONSULTATIVE MEETING SHOULD BE AVOIDED.
CORRIDOR CONVERSATIONS HAD INDICATED A CONSENSUS
THAT CONSULTATIONS SUCH AS THOSE WHICH HAD TAKEN
PLACE IN THE INFORMAL LEGAL WORKING GROUP WOULD BE
DESIRABLE. IN THAT CONTEXT, AND WITH NO OTHER
APPARENT SOLUTION, USDEL OFFERED TO MAKE A MEETING
ROOM AVAILABLE IN WASHINGTON WITH NO TRANSLATION OR
OTHER CONFERENCE SERVICES IN ORDER FOR THE GROUP TO
CONTINUE INFORMAL CONSULTATIONS. THIS OFFER WAS SEIZED
UPON BY MOST DELEGATIONS AS DESIRABLE. IN LIGHT OF
FACT THAT MANY PARTICIPANTS WOULD BE IN EITHER NEW
YORK FOR LOS CONFERENCE OR WASHINGTON FOR THE
ANTARCTIC TELECOMMUNICATIONS MEETING, THE WEEK OF
SEPTEMBER 18 WAS DECIDED TO BE A DESIRABLE TIME FOR
SUCH CONSULTATIONS.

4. IT WAS ALSO AGREED THAT FOLLOWING THESE WASHINGTON
CONSULTATIONS, A DECISION ON FUTURE MEETING WOULD BE
DECIDED THROUGH DIPLOMATIC CHANNELS. CHILE CONTINUED

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PAGE 01 BUENOS 05850 02 OF 02 311212Z
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TRSE-00 PM-05 EPA-01 INT-05 PA-01 CEQ-01 DOTE-00
OMB-01 ACDA-12 SP-02 AF-10 NEA-10 AGR-01 /185 W

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P R 291535Z JUL 78

FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC PRIORITY 6734

INFO AMEMBASSY BRUSSELS

AMEMBASSY CANBERRA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OSLO

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C O N F I D E N T I A L SECTION 2 OF 2 BUENOS AIRES 5850

TO BE THE LONE HOLD-OUT WITH THE VIEW THAT THE
CONSULTATIVE PARTIES MUST HAVE TEXT AGREED IN
FINAL FORM BEFORE DECISIVE MEETING. GENERAL VIEW
EXPRESSED WAS THAT IF WASHINGTON CONSULTATIONS
REPORTED PROGRESS, A PRO-FORMA SPECIAL CONSULTATIVE
MEETING COULD BE HELD IMMEDIATELY PRIOR TO DECISIVE
MEETING. AUSTRALIAN DELEGATION WAS NOT EXPLICIT, BUT
LEFT CLEAR IMPRESSION THAT DECISIVE MEETING COULD
NOT BE HELD UNTIL JANUARY, 1979. UK DEL MADE EFFORT
TO SPEAK QO QUESTION OF EEC PARTICIPATION AS WELL
AS INVITATIONS TO OTHER STATES FOR DECISIVE MEETING.
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PAGE 02 BUENOS 05850 02 OF 02 311212Z

HOWEVER, HEADS OF DELEGATION AGREED THAT DISCUSSION
WAS PREMATURE AND WOULD HAVE TO AWAIT OUTCOME OF
WASHINGTON CONSULTATIONS.

5. ON MORNING OF JULY 28, SECRETARIAT
READ TO HEADS OF DELEGATION PROPOSED DRAFT REPORT
OF THE MEETING. DRAFT REPORT WAS VERY EXPLICIT AND
TOTALLY OUT OF CHARACTER WITH NORMAL PRACTICE AND
THE DESIRES OF ALL DELEGATIONS. AFTER SHORT DEBATE,
IT WAS AGREED TO FORM SMALL OPEN-ENDED WORKING GROUP
TO DRAFT REPORT OF THE SESSION. CHAIRMAN THEN PRO-
POSED THAT HEADS OF DELEGATION REVIEW REVISED TEXTS
OF SEVERAL ARTICLES WHICH HAD BEEN DISCUSSED BEFORE
BUT NOT AGREED, AS WELL AS SEVERAL NEW PROPOSALS

WHICH HAD BEEN TABLED. US DE LED EFFORT TO BLOCK SUCH A DISCUSSION, SINCE IT COULD ONLY LEAD TO FURTHER CONFUSION AND UNRAVELING OF MATTERS ON WHICH SOME CONSENSUS HAD BEEN ACHIEVED. DISCUSSION THEN FOCUSED ON WORKING PAPERS OF BUENOS AIRES SESSION WHICH DELEGATES COULD AGREE WERE A BASIS FOR FURTHER NEGOTATION AND WHICH WERE TO BE FORWARDED TO GOVERNMENTS FOR CONSIDERATION. THESE ARTICLES WHICH HAD ALREADY BEEN DISCUSSED AT LENGTH, CONTINUED TO RAISE ONE SMALL DIFFICULTY OR ANOTHER, BEFORE COMPLETING THIS DISCUSSION, THE MEETING BROKE FOR LUNCH.

6. DURING AFTERNOON OF JULY 28, HEADS OF DELEGATION COMPLETED DISCUSSION ON THE ARTICLES WHICH WILL SERVE AS A BASIS FOR FURTHER NEGOTIATION. THESE INCLUDE: ARTICLE 23 ON OBSERVATION AND INSPECTION; A NEW ARTICLE ON COOPERATION BETWEEN THE COMMISSION AND THE CONTRACTING PARTIES THAT HAVE FISHERIES JURISDICTION WITHIN AND ADJACENT TO THE CONVENTION
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PAGE 03 BUENOS 05850 02 OF 02 311212Z

AREA; A PROVISION ON OBSERVATION ARRANGEMENTS PRIOR TO THE ENTRY INTO EFFECT OF THE COMMISSION'S OBSERVATION SYSTEM; ARTICLE II ON THE CONSERVATION STANDARD; ARTICLE VIII ON THE COMMISSION'S RESPONSIBILITIES; ARTICLE 21 ON FINANCIAL MATTERS; AND ARTICLE 18 ON SUPPLY OF INFORMATION. SEVERAL DELEGATIONS TABLED PROPOSALS AS WELL AS FORMAL STATEMENTS FOR THE RECORD. IN PARTICULAR, THE EEC COUNTRIES REITERATED THEIR POSITION ON EEC PARTICIPATION; AND FRANCE RESTATED ITS POSITION THAT THE 200 MILE ZONES AROUND KERGUELEN AND CROZET SHOULD NOT BE INCLUDED WITHIN THE RESPONSIBILITIES OF THE COMMISSION. THE UK TABLED A WORKING PAPER THAT GOES STRAIGHT TO HEART OF ALLOCATION OF RESOURCES AND DISTRIBUTION OF ECONOMIC BENEFIT QUESTION. PAPER WAS WELCOMED AS POSITIVE STEP TOWARD RESOLVING PRACTICAL FISHERY QUESTIONS IN LIGHT OF SOVEREIGNTY QUESTIONS BY SOME DELEGATIONS, BUT WAS STRONGLY ATTACKED BY THE SOVIET UNION AND POLAND AS ENLARGING THE SCOPE OF CONVENTION AND REQUIRING A REVISION OF THRUST OF DRAFT TEXT.

7. IN LATE AFTERNOON AND EVENING, MEETING TOOK UP DRAFT INTERIM REPORT WHICH HAD BEEN PREPARED EARLIER IN DAY BY OPEN-ENDED DRAFTING GROUP WHICH HAD INCLUDED REPRESENTATIVES OF ALL DELEGATIONS. CHILE PRESSED FOR CHANGES IN DRAFT REFLECTING AGREEMENT FOR ANOTHER SPECIAL CONSULTATIVE MEETING. THIS OPENED TEXT UP TO GENERAL DEBATE, INCLUDING SOVIET INSISTENCE THAT

REFERENCE TO PROGRESS MADE ON CONSERVATION MATTERS BE
DELETED. FINALLY, MEETING WAS ABLE TO AGREE ON
AMBIGUOUS AND WATERED DOWN LANGUAGE FOR
INCLUSION IN THE FINAL REPORT AS WELL AS A PRESS
RELEASE REFLECTING THE LANGUAGE IN THE FINAL REPORT.
(SEE SEPTELS)

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PAGE 04 BUENOS 05850 02 OF 02 311212Z

8. COMMENT: THE DELEGATION'S LATER REPORT WILL EVALUATE
THE RESULTS OF THIS MEETING. IT IS SUFFICIENT TO
NOTE HERE THAT THIS SESSION DID NOT ACHIEVE AS MUCH
PROGRESS AS US DEL HAD HOPED, ALTHOUGH LANGUAGE OF
CONSERVATION STANDARD HAS BEEN TIGHTENED. WASHINGTON
CONSULTATIONS WILL BE VERY IMPORTANT IN DETERMINING
WHETHER THE VARIED INTERESTS OF THE CONSULTATIVE
PARTIES CAN BE BROUGHT TOGETHER IN A CONVENTION FOR
THE CONSERVATION OF ANTARCTIC LIVING MARINE RESOURCES.
END COMMENT.
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Message Attributes

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